
OLR Bill Analysis

sSB 72

AN ACT CONCERNING LIABILITY FOR THE GROWING OF RUNNING BAMBOO.

SUMMARY:

This bill prohibits people from having “running bamboo” (i.e., bamboo in the genus *Phyllostachys*, including yellow-groove bamboo) on their property within 40 feet of abutting property or a public right of way. Current law prohibits them from having it on their property within 100 feet of abutting property or a public right of way, unless it is contained by a properly constructed and maintained barrier system or planted above ground in a container.

Under the bill, the 40-foot buffer zone requirement applies regardless of when bamboo is planted. Currently, the 100-foot setback requirement applies only to bamboo planted after October 1, 2013.

The bill subjects violators of the 40-foot buffer zone requirement to a \$100 fine, and each day of a continuing violation is a separate offense. Under the bill, the Department of Energy and Environmental Protection, any duly authorized municipal constable, municipal tree warden, zoning enforcement officer, or inland wetlands and watercourses enforcement officer may enforce the 40-foot buffer zone.

The bill also declares running bamboo that grows beyond a person’s property boundaries a nuisance. A nuisance is a condition that interferes with the use or enjoyment of property, and is a type of tort (civil wrong) for which a person can sue for damages (*Black’s Law Dictionary*). Existing state law makes a person liable for damage running bamboo causes to neighboring properties, including the cost of removing any bamboo that has spread to the neighboring property (PA 13-82).

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 1 (03/21/2014)